UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Magistrate Docket No. 07MJ2536
	)	
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Miguel Angel ROSAS-Leon,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	
	)	

The undersigned complainant, being duly sworn, states:

On or about **October 19, 2007** within the Southern District of California, defendant, **Miguel Angel ROSAS-Leon,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico,** was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF **OCTOBER, 2007**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel Angel ROSAS-Leon

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On October 19, 2007, Border Patrol Agent A. Cuevas was patrolling an area near the Tecate, California Port of Entry. At approximately 5:15 a.m., Agent Cuevas was notified via service radio by the National Guard scope operator of a group of five individual approximately five hundred yards north of the border fence. Upon arriving at the location, Agent Cuevas observed the five individuals trying to conceal themselves in the surrounding brush. Agent Cuevas encountered the individuals and identified himself as a U.S. Border Patrol Agent in the English and Spanish languages. One of the individuals, later identified as the defendant **Miguel Angel ROSAS-Leon**, started to run away. Agent Cuevas pursued the defendant on foot and observed as he jumped down a steep embankment approximately fifteen feet. The defendant was found at the bottom of the embankment and appeared to be in pain. Supervisory Border Patrol Agent T. Cicirelli and the Emergency Medical Service (EMS) unit were notified. Agent Cuevas conducted a field interview and questioned all of the individuals concerning their immigration status. Each individual, including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States. The defendant was picked up by EMS and taken to Sharp Memorial Hospital. The other individuals were arrested and transported to the Border Patrol I-94 Checkpoint for further processing. The defendant was treated and released from the hospital and transported to the Brown Field station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 9, 2005** through **Brownsville, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 20, 2007 at 9:30 A.M.

_____
Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 19, 2007**, in violation of Title 8, United States Code, Section 1326.

Barbara L. Major
United States Magistrate Judge

10/20/07 at 12:05 pm
Date/Time